

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(d) (14 **Del.C.** §122(d))
14 **DE Admin. Code** 290

FINAL

REGULATORY IMPLEMENTING ORDER

290 Approval of Educator Preparation Programs

I. Summary of the Evidence and Information Submitted

The Secretary of Education intends to amend 14 **DE Admin. Code** 290 Approval of Educator Preparation Programs to establish an additional process for the approval of new alternative routes for teacher licensure and certification programs, non-applicable to those currently in place or eligible via current PSB regulation, to be approved by the Secretary. New alternative routes under this amendment would only be formed upon request by the Secretary and a subsequent RFP process.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on **August 2, 2011**, in the form hereto attached as *Exhibit "A"*. The Department received comments from the State Council for Persons with Disabilities and the Governor's Advisory Council for Exceptional Citizens endorsing the amendments.

Comments were also received from representatives of two of the Delaware higher education institutions, Wilmington University and the University of Delaware. The University of Delaware proposed a language change that would require a comprehensive evaluation of performance of the alternative route contracted program to include the same outcome criteria and expectations applied to all other state-approved teacher education programs. The Department has added an analysis component; however, is not requiring the same outcome criteria and expectations as outlined in the recommendation. The Department is concerned with added costs for this type of evaluation as well as the concern this language may inadvertently limit the types of entities that could offer an alternative route program.

II. Findings of Facts

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 290 Approval of Educator Preparation Programs in order to provide additional opportunities for high-quality teacher preparation pipelines that will directly staff critical-need subject areas per the state's current Alternative Routes to Teacher Licensure and Certification legislation.

III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 290 Approval of Educator Preparation Programs. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 290 Approval of Educator Preparation Programs attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 290 Approval of Educator Preparation Programs hereby amended shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

IV. Text and Citation

The text of 14 **DE Admin. Code** 290 Approval of Educator Preparation Programs amended hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** 290 Approval of Educator Preparation Programs in the *Administrative Code of Regulations* for the Department of Education.

V. Effective Date of Order

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on **September 15, 2011**. The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations*.

IT IS SO ORDERED the 15th day of September 2011.

Department of Education

Lillian M. Lowery, Ed.D., Secretary of Education

Approved this 15th day of September 2011

290 Approval of Educator Preparation Programs

1.0 Definitions

The words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

“Accreditation” means the decision rendered by NCATE when an institution’s professional education unit meets NCATE standards and requirements.

“Administrator” means Department of Education Associate charged with oversight of Program Approval for college and university educator preparation Programs.

“Associate Degree” means a two (2) year degree conferred by a regionally accredited Institution of higher education or by a distance education Institution that is regionally or nationally accredited through an agency recognized by the U.S. Secretary of Education.

“Concurrent Agreement” means the process where an NCATE review and a review by the Delaware Department of Education occur in a concurrent manner.

“Department” means the Delaware Department of Education.

“Department Approval” means the process by which a specific professional education Program is recognized by the State Department of Education as meeting state standards for the content and operation of such Programs.

“Department of Education Program Approval Regulations” means the regulations set forth herein.

“Educator” means a person licensed and certified by the State under 14 **Del.C.**, Ch 12 to engage in the practice of instruction, administration or other related professional support services in Delaware public schools, including charter schools, pursuant to rules and regulations promulgated by the Standards Board and approved by the State Board but does not include substitute teachers.

“Higher Education Degree Advanced Level” means post baccalaureate degree Programs for the advanced preparation of teachers, and the initial or advanced preparation of professional school personnel. Programs at the advanced level lead to a master’s, specialist, or doctoral degree, or they may culminate in non degree licensure at the graduate level.

“Higher Education Degree Basic (Initial) Level” means programs leading to the initial preparation of teachers, commonly leading to a baccalaureate degree, a master of arts in teaching, or other programs designed to prepare teachers for initial licensure.

“Institution” means the college or university offering baccalaureate and post baccalaureate degree teacher preparation programs.

“Institutional Report” means a report submitted to NCATE as part of the review process that provides the institutional and unit context, a description of the unit’s conceptual framework, and evidence that the unit is meeting the NCATE unit standards.

“National Recognition” means approval of a program that has met the standards of a specialized professional association that is a constituent member of NCATE.

“NASDTEC” means The National Association of State Directors of Teacher Education and Certification. The organization represents professional standards boards, commissions and departments of education in all 50 states, the District of Columbia, the Department of Defense Dependent Schools, the U.S. Territories, New Zealand, and British Columbia, which are responsible for the preparation, licensure, and discipline of educational personnel.

“NCATE” means The National Council for Accreditation of Teacher Education, a national accrediting body for schools, colleges, and departments of education authorized by the U.S. Department of Education.

“Professional Education Unit” means the school, college, department or other administrative body within an Institution of higher learning that is primarily responsible for the preparation of teachers and other professional education personnel.

“Program(s)” means the sequence of courses and experiences required by a college or university for the preparation of professional education candidates to teach a specific subject or academic area, to provide professional education services, or to administer schools; except that where used in section 9.0 of this regulation, the word “program(s)” shall mean the program(s) approved pursuant to said section.

“Proposal for Program Approval for Education Preparation Programs Which Do Not Have Specialized Professional Association (SPA) Approval” means the formal proposal that the Department requires higher education institutions to complete and submit in order to seek approval for teacher education programs in a Professional Education Unit for which there is no national Specialized Professional Association (SPA) or for which the institution has not received approval from the SPA.

“Secretary” means the Secretary of the Delaware Department of Education.

“Specialized Professional Association (SPA)” means national bodies such as the American Alliance for Health, Physical Education, Recreation and Dance (AAHPERD) and the International Reading Association (IRA) whose program review standards have been approved by NCATE.

“State Program Proposal Review Team” means the team assembled pursuant to section 4.4 of this regulation.

“State Review Team” means the team assembled by the Department of Education pursuant to section 3.3 of this regulation.

2.0 Prior Approval from the Department Required to Offer Programs

- 2.1 Pursuant to 14 Del.C. §122(b)(22), no individual, public or private educational association, corporation or Institution, including any Institution of post secondary education, shall offer a Program for the training of educators to be licensed in this State without first having procured the assent of the Department for the offering of such a Program. In order to be approved by the Department, Programs of Educator Preparation in Delaware Institutions of higher education that lead to educator licensure and certification shall meet State and, where applicable, national standards appropriate to the Professional Education Unit and the Professional Education Unit's individual Programs. All Professional Education Units and their Programs shall be reviewed through a fair and uniform application of standards.
- 2.2 The Department shall approve an Institution's Educator Preparation Programs. Approval is based on an institutional self study report and an on site visit by teams, one trained and selected by NCATE and one with Department representation. Institutions seeking approval of Educator Preparation Programs in the state shall meet the Professional Education Unit Standards established by NCATE and the appropriate Program standards established by the Specialized Professional Association. All Programs shall also comply with the state's regulations for Educator licensure and certification, the Delaware Teacher or Administrator Standards, and other applicable regulations and standards as are established by the Department or the Professional Standards Board, in cooperation and consultation with the Department and with the concurrence of the State Board of Education. Units having been accredited by NCATE and Programs receiving national recognition from a SPA will have met the above State regulations and standards.

3.0 NCATE State Partnership Review

National Council for Accreditation of Teacher Education (NCATE) Standards, Procedures and Policies for the Accreditation of Professional Education Units and Programs.

- 3.1 The Department shall enter into agreements with the higher education governing boards and their Institutions for the purpose of coordination of review procedures on a five (5) year cycle for Institutions receiving their initial accreditation from NCATE and on a seven (7) year cycle for Institutions seeking continuing accreditation. As established by NCATE, such agreements shall include, but are not limited to, Program review timetables; format and content of Institutional reports; selection, number, and role of review team members; and the reporting of Program results.
- 3.2 Accreditation Request
 - 3.2.1 Institutions shall submit to NCATE the forms required of NCATE as per established NCATE guidelines to seek accreditation to NCATE twenty four (24) months before the scheduled visit.
 - 3.2.2 Program reports submitted to Specialized Professional Associations shall follow the NCATE requirements and shall be submitted to NCATE as per established NCATE guidelines before the on site reviews.
- 3.3 The State Review Team
 - 3.3.1 The state review team assembled by the Department to work concurrently with the NCATE review team shall have up to three (3) members designated by the Department and the Department shall agree to comply with the schedule established by NCATE in the review and on site visits of NCATE accredited Institutions.
 - 3.3.1.1 State Review Team members shall be selected in accordance with NCATE Partnership Agreement Guidelines. A list of members shall be given to the Institution at least six (6) months prior to the site review. Substitute members may be selected and the Institution notified of the substitute members closer to the time of the review, if those initially selected are unable to serve.
 - 3.3.1.2 State Review Team members shall be selected from the following:
 - 3.3.1.2.1 Employees of the Department of Education, one of whom shall be the Administrator.
 - 3.3.1.2.2 Persons who have experience in higher education or education administration.
 - 3.3.1.3 State Review Team member(s) shall attend a training session on NCATE standards and procedures and State expectations paid for by the Department and conducted by the staff of NCATE.

3.3.1.4 The State Review Team members shall be responsible for the following:

- 3.3.1.4.1 Meeting with the NCATE review team and participating in informal deliberations with that group in accordance with NCATE requirements;
- 3.3.1.4.2 Reviewing the reports of the SPAs on those Programs covered by SPA standards, to understand the conclusions reached by the SPA;
- 3.3.1.4.3 Reporting to the Secretary the decisions of the SPA including a description of the conclusions of the SPA and whether the Program was recommended for national recognition, national recognition with conditions or was not recognized by the SPA.

3.3.2 Conflict of Interest: Team members from the State shall not participate on a team if they have a close, active association with the Institution to be visited. A close, active association shall be presumed where:

- 3.3.2.1 The member is currently in attendance at, or, within the past ten years, has received a degree from or has been forced to discontinue studies at the Institution;
- 3.3.2.2 The member has children or other close relatives in attendance at the Institution, and those persons are matriculated into the education Programs being reviewed;
- 3.3.2.3 The member has taught, consulted, or otherwise been employed in a paid position, at the Institution within the past five years;
- 3.3.2.4 The member has ever been denied tenure by or forced to leave a position at the Institution;
- 3.3.2.5 The member currently serves on, or has been nominated to, any advisory group at the Institution;
- 3.3.2.6 The member maintains any current close personal or professional relationship with a person at the Institution; or
- 3.3.2.7 The member is an employee of another Institution in the state with a teacher education Program.

3.4 Final Report

- 3.4.1 Institutions, Professional Education Units and Programs approved through NCATE accreditation and SPA recognition shall comply with NCATE self study requirements. Copies of any reports to NCATE shall also be submitted to the Administrator.
- 3.4.2 For Programs being reviewed by a SPA, Professional Education Units shall submit to the Administrator a copy of the materials sent to the Specialty Professional Association.
- 3.4.3 A final report on the reviews shall be forwarded to the Secretary for action. The report shall make recommendations for full approval, provisional approval, or disapproval of the Professional Education Unit and of each of the individual Programs. Units accredited by NCATE and Programs recognized by SPAs shall receive Department Approval.
 - 3.4.3.1 Copies of the final report shall be sent to the chief executive officer of the Institution and to the leader of the Professional Education Unit.
- 3.4.4 The report, and the accreditation decision of the NCATE Unit Accreditation Board, and the recognition decisions of the SPAs shall be used to determine whether the Department will approve the Educator Preparation Programs.
- 3.4.5 In addition to individual Program recommendations, a recommendation on whether or not the Department should authorize the university or college to operate Educator Preparation Programs shall also be included.
- 3.4.6 Two copies of the final report and related documents shall be maintained by the Department and submitted to the State Archives as provided by the retention schedule for the State Archives.

4.0 Procedures for Teacher Education Programs in a Professional Education Unit Seeking Approval for Programs for Which There is no Specialized Professional Association (SPA) or for Which the Institution has Not Received Approval from the SPA.

- 4.1 Higher education institutions seeking approval for Educator Preparation Programs in a Professional Education Unit for which there is no Specialized Professional Association (SPA) or for which the institution has not received national recognition from the SPA shall complete the Department's *Proposal for Program Approval for Education Preparation Programs Which do Not Have Specialized Professional Association (SPA) Approval* and shall submit the Proposal to the Department at least six (6) months before the on site reviews.
 - 4.1.1 In the case where a Program has been submitted to a SPA and subsequently was not granted national recognition by the SPA, the Professional Education Unit shall submit the Department's *Proposal for Program Approval for Education Preparation Programs Which do Not Have Specialized Professional Association (SPA) Approval* within two (2) months of final notification that the Program has not been recognized by the SPA.

- 4.1.2 In the case where a Program has been submitted to a SPA and no decision has been made about national recognition by the SPA, the Professional Education Unit shall submit the same Program report submitted to the SPA to the Department of Education.
- 4.2 Time lines related to the submission of data and other documentation of the Institution's compliance with Program approval criteria, the submission of Program reports, the role of Department review members, and the procedures for the reporting of Program review results shall follow NCATE guidelines.
- 4.3 At least one year before the impending review, the Institution shall contact the Department. The Institution shall appoint one person to act as liaison for all of the Programs at the Institution under this Non SPA State Review. The Administrator shall meet with the liaison to establish the review process and to report the potential Programs to be reviewed. The decisions made shall be communicated by the Administrator and the liaison to all of the Programs. This process shall be completed nine months prior to the review dates.
- 4.4 Selection, Training and Conduct of the State Program Proposal Review Team Members for the Non SPA State Review
 - 4.4.1 State Program Proposal Review Teams shall consist of at least three (3) members including the Administrator or designee, one of whom shall be the chair, who shall be selected at least six months prior to the review. The Institution shall be notified as to the members chosen for the review.
 - 4.4.1.1 If those initially selected are unable to serve, substitute members may be selected and the Institution notified of the substitute members closer to the time of the review.
 - 4.4.2 Conflict of Interest is the same as defined in 3.3.2
 - 4.4.3 Training of State Program Proposal Review Team Members
 - 4.4.3.1 State Program Proposal Review Team members shall receive training at the Department in the following areas prior to participating in any review; the purpose of the self study, the State Standards and criteria, the procedure for review of Program proposals, timelines for proposal review, the completion of team reports, and the reimbursement of expenses. Information about the NCATE accreditation process and the SPA process for national recognition, including the evaluation of the Professional Evaluation Unit and the background of, rationale for, and the review procedures of NCATE and the SPAs will also be part of the training.
 - 4.4.4 Persons taking part in State Program Proposal Review Team member training shall be reimbursed for expenses in accordance with the Department's guidelines.
- 4.5 The Program shall prepare the Proposal which shows how it meets the Department of Education Program Approval Regulations and the Delaware Licensure and Certification Regulations.
 - 4.5.1 Five (5) copies of the Proposal and all additional documentation shall be submitted as per established NCATE timelines prior to the visit of the State Review Team.
 - 4.5.2 Proposals and additional materials requested for each Program shall be reviewed by appropriate Program Proposal reviewers at the Department and the review on the content and quality of each, where possible, shall be made available to the State Program Proposal Review Team at least three (3) months prior to the on-site visit of the NCATE and State Teams. In the case of a Program submitted to a SPA in accordance with NCATE guidelines, where the SPA has not nationally recognized the Program, the Program proposal reviewers shall make their Program review available for the State Review Team at least one (1) month prior to the on-site visit. If any aspect of the Proposal is deemed inadequate, the Administrator may contact the Institution to supplement the submission or may return the Proposal to the Program.
 - 4.5.3 The State Program Proposal Review Team shall verify the accuracy of the Proposal, consider the Department review and write a draft report on the Program. The report shall make recommendations for full approval, provisional approval, or disapproval of the Program.
- 4.6 The final report of the State Program Proposal Review Team members on the Program(s) shall be due to the Administrator or the chair of the team three (3) weeks after the last day of the visit.
- 4.7 Within ten (10) weeks of the last day of the visit, the Administrator or the chair of the State Program Proposal Review Team shall submit the final draft of the report to the Program for the correction of factual errors only. The Program shall return the final draft to the Administrator with factual errors and suggested corrections noted, within two (2) weeks.
- 4.8 Professional Education Units shall submit a report for any provisionally approved Programs as requested by the Department. The report shall detail how previous weaknesses, if any, have been addressed.

5.0 Provisional Program Approval for New Programs

- 5.1 An Institution that has approved educator preparation Programs may request interim provisional Program approval for new education Programs added between regularly scheduled reviews. The following documentation shall be supplied to the administrator:

- 5.1.1 A description of the Program for which approval is sought and other administrative information;
- 5.1.2 The curriculum for the Program, including syllabi for any new courses;
- 5.1.3 Descriptions of the expected outcomes of the Programs and of how those outcomes will be assessed;
- 5.1.4 Vitae for all faculty delivering the Program; and
- 5.1.5 Descriptions of materials, media and resources available for the Program, and how technology is integrated into the curriculum or Program.
- 5.2 An Institution currently operating approved educator preparation Programs may seek approval for a new specialization in a currently operating Program in teaching, specialist services or administrative area provided the documentation submitted contains sufficient justification to warrant the new specialization. The Institution is encouraged to collaborate with the Department during the Program's initial planning. The Institution must identify the Program objectives for the new Program from which the curriculum shall be developed.
- 5.3 Experimental or innovative Programs that do not meet NCATE standards may be allowed by the Department. Such an allowance may be requested by submitting the material for new Programs, and where the standards are not met, a rationale for the exception(s). Experimental or innovative Programs that are approved by the Department shall be given provisional approval; full approval may not be granted until a full on site review of the Program takes place, or it is recommended and approved by the Secretary.
- 5.4 Programs or specializations, such as those described in 5.1, 5.2, and 5.3 above, that have received only paper review, without full on site verification, will be granted provisional approval. Full approval may not be granted until a full on site review of the Institution takes place, or is recommended and approved by the Secretary.

6.0 Professional Education Units that do not Receive Accreditation by NCATE

- 6.1 Professional Education Units that do not receive NCATE accreditation, and which have exhausted or decided not to use the NCATE rejoinder process, will have a period of time agreed upon by the Institution and the Administrator in which to submit additional materials which demonstrate how the Institution meets the NCATE Standards and SPA Program Standards. Such Units will only be eligible for provisional approval for three (3) years; renewal after that time will be contingent upon a full site review.
- 6.2 Programs that do not receive SPA recognition should submit materials to the Department in accordance with the provisions set forth in 4.0.
- 6.3 Programs that do not meet the SPA standards, Delaware Teacher or Administrator Standards, or the State's licensure and certification regulations at the full approval level, shall be given either provisional approval or not be approved to operate. All Programs given provisional approval shall:
 - 6.3.1 Report annually to the Administrator on the progress made on those standards that were not met.
 - 6.3.2 Undergo Program proposal review submission and site review within three (3) years from the date of provisional approval.
- 6.4 Institutions that do not receive full or provisional approval through review pursuant to NCATE Standards or Delaware Program Approval Regulations shall not be permitted to operate licensure Programs in Delaware.

7.0 Required Format for the State Report

The format of the State Report shall follow the format consistent with NCATE procedures and shall include recommendations on whether the Professional Education Unit and each individual Program shall receive approval to operate in Delaware.

8.0 Rejoinder Process

- 8.1 NCATE Review
 - 8.1.1 If the Professional Education Unit accreditation is not granted by NCATE, the Institution may contest any of the recommendations through the NCATE rejoinder process. If a Program is not nationally recognized by a SPA, the Institution may contest any of the recommendations through the SPA rejoinder process. The Department shall accept the decision of NCATE or a SPA when their rejoinder process is followed.
- 8.2 Non SPA State Review
 - 8.2.1 Within thirty (30) days after the State Review Team visit, the team chair shall prepare a report of the team visit, make a recommendation(s) on the Program(s) and send three copies to the Institution, one to the Institution's president, one to the head of the professional education unit and one to the Institution's liaison for the review process.
 - 8.2.1.1 The Institution shall respond within fifteen (15) days as to the accuracy of the factual information in the report of the team visit.

8.2.2 Intent to contest the recommendations: A letter shall be sent from the Institution's president or the head of the professional education unit designee notifying the Secretary of the intent to contest the recommendations accompanied by a short statement explaining the rationale for contesting the review. The letter must be received in the Office of the Secretary within ten (10) days of the delivery of the reports.

8.2.2.1 The Secretary shall review the materials submitted by the Institution including written statements of position, documents, and comments supporting the claims.

8.2.2.2 The Secretary, after considering the evidence presented and the arguments made by the parties, shall make a decision and so inform the institution's president and the head of the professional education unit in writing of that decision. The decision of the Secretary is final.

10 DE Reg. 835 (11/01/06)

9.0 Alternative Routes for Teacher Licensure and Certification Programs

9.1 Notwithstanding any other provision of this regulation to the contrary, any individual, public or private educational association, corporation or institution, which, pursuant to the provisions of 14 DE Admin. Code 1507 and subsection 9.2 below, is approved by the Secretary of Education to operate an Alternative Routes to Teacher Licensure and Certification Program shall be deemed to be an approved teacher preparation program.

9.2 Any individual, public or private educational association, corporation or institution, which is approved by the Secretary of Education to operate an Alternative Routes to Teacher Licensure and Certification Program as set forth in subsection 9.1 above, shall in addition to the provisions of 14 DE Admin. Code 1507 and any applicable statute, comply with the following requirements:

9.2.1 Applications for approval will be accepted only when the Secretary of Education shall post a Request For Proposals requesting the same. The application process shall be competitive and the Secretary may elect to approve some, all or none of the applications.

9.2.2 Approved applicants shall enter into a contract with the Department, on a form approved by the Department for an initial term of three (3) years, renewable for an additional five (5) years at the discretion of the Department [upon an analysis of the program, during the final year of the contract, by the Department or by an external program assessment entity selected by the Department].

9.2.3 Applications shall be responsive to the Request for Proposals and, in addition to any other requirements, shall address how the applicant will determine the coursework and experiences leading to its participants' application for certification to the Department, shall include intensive pre-service training, teacher evaluations conducted by school administrators, completion of coursework, and measures of teacher effectiveness based upon student performance data.

9.2.4 The Department shall evaluate approved programs based upon the terms and conditions of the Request for Proposals and the applicant's contract with the Department.

15 DE Reg. 642 (11/01/11) (Final)